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REMARKS

New claims 20 - 23 have been added in order to alternately define the invention as disclosed in the specification.

Without conceding the propriety of the Examiner's position, and solely to expedite prosecution, claims 6 – 7, 10 – 11, and 14 - 15 have been canceled without prejudice or disclaimer.

Applicant respectfully requests reconsideration of the prior art rejections set forth by the Examiner under 35 U.S.C. §103(a). Applicant respectfully submits that the prior art references of record, whether considered alone, or in combination, fail to either teach or suggest Applicant's presently claimed invention as amended.

Applicant has amended claims 1 and 5 such that claims 1 and 5 now include the limitation that the optical recording / reproducing head include an optical source emitting a light having a wavelength of between 300 nm and 500 nm. Applicants submit that the Knight reference is directed to the a particular structure for providing improved reading / reproducing in the visible red light range (See Col. 35, line 56, line 64). There is no teaching or suggestion to apply the principles to a blue laser wavelength.

Consistent with this assertion, Okubo, filed after the Knight reference was published and more than 4 years after Knigt was filed, discloses an optical laser beam recording medium and system in the 380 nm to 430 nm that uses an objective lens having a NA of under 1 (See paragraphs [0086], [0091], [0095],

[0113], [0117], [0121], [0124], [0127], [0133], [0136], and [0139], all of which are embodiments that use objective lens's having varying NA's, all under 1).

For at least this reason, Applicant's submit that the Examiner's rejections should be withdrawn, and claims 1 – 2, 5, 8 – 9, 12 – 13, and 16 – 17 placed in condition for allowance.

In specific regard to claims 8 and 9, Applicants submit that neither reference cited by the Examiner discloses both a protective layer and a recording layer having a refractive index greater than the numerical aperture of the objective lens when irradiated with a light wavelength of substantially 400 nm.

For at least this reason also, Applicant's submit that the Examiner's rejections should be withdrawn, and claims 8 and 9 placed in condition for allowance.

In specific regard to claims 12 and 13, Applicants submit that neither reference cited by the Examiner discloses a recording layer having a refractive index greater than 4.

For at least this reason also, Applicant's submit that the Examiner's rejections should be withdrawn, and claims 12 and 13 placed in condition for allowance.

In specific regard to claims 16 and 17, Applicants submit has failed to cite any portion of a prior art reference to stand for the use of a solid immersion lens SIL shaped like a conical surface that itself has a NA of greater than 1.

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Applicants note that the Examiner has only cited the system of lenses of Knight, which includes an objective lens and a SIL lens.

For at least this reason also, Applicant's submit that the Examiner's rejections should be withdrawn, and either a new rejection set forth or claims 16 and 17 placed in condition for allowance.

Specifically regarding claims 18 and 19, Applicants submit that the references cited by the Examiner fail to disclose the use of a solid immersion lens having a main component material selected from the group consisting of $SrTiO_3$, $Bi_4Ge_2O_{12}$, and $Bi_4Ge_3O_{12}$.

For at least this reason also, Applicant's submit that the Examiner's rejections should be withdrawn, and either a new rejection set forth or claims 18 and 19 placed in condition for allowance.

Respectfully submitted,

Date: 2/1/08

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